

REMARKS

Applicants reply to the Office Action dated December 13, 2007, within the shortened three month statutory period for reply. Claims 1-35 were pending in the application and the Examiner rejects claims 1-35. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants thank the Examiner for participating in an Examiner Interview with Applicants' counsel on March 5, 2008. Applicants further thank the examiner for agreeing that the proposed amendments would differentiate the presently claimed invention over the cited reference. As such, Applicants amend the claims according to the discussed amendments and respectfully request that the Examiner contact Applicants' counsel if additional information and/or clarity is required.

Rejection under 35 U.S.C. § 101

The Examiner rejects claims 1, 10, and 29 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner asserts that the "claims are directed to an algorithm." Applicants respectfully disagree.

The presently claimed invention includes a number of physical elements that are used to render a concrete outcome based on the evaluation by judges. For example, the client profile may be a database which is populated from information including a client name, marital status, date of birth, a social security number, state of residence, citizenship, health status, number of dependent children, employment, relationship information, background information, financial goal information, or asset information. Further, upon receiving this database of very specific data, team members construct a financial plan (e.g., a report), which is a concrete outcome based on information in the client profile in light of the financial planning guidelines. The judges then review the financial plan based on very specific criteria in order to award points and select winners which may continue onto a second phase.

Rejection under 35 U.S.C. § 102

The Examiner rejects claims 1-35 under 35 U.S.C. § 102(e) as being anticipated by Kiyosaki et al., U.S. Patent No. 6,106,300, ("Kiyosaki"). Applicants respectfully traverse this rejection.

Kiyosaki generally discloses a board game for teaching financial skills to players. Specifically, the board game of Kiyosaki ascribes an earned income, expenses, and cash on hand to each player with the objective of generating an income that is greater than a predetermined percentage of the player's expenses. The Kiyosaki game generates random events for players that impact income, expenses, assets, and liabilities.

The object of Kiyosaki is to teach personal finance and not financial planning skills. In other words, the Kiyosaki skills are limited to earning more money for the participant's own finances. While more sophisticated than some other financial based board games (e.g., Monopoly), the Kiyosaki board game is similar to other board games in that many of the scenarios presented to players are random and often include the roll of dice. Furthermore, each player of the Kiyosaki game is provided a certain amount of money or earns a certain amount of money for themselves; therefore, the outcome of the game cannot possibly be a full and accurate measure of each player's knowledge relating to financial planning for other client portfolios. It is important to note that the purpose of Kiyosaki is to teach players **financial planning skills for use by themselves and for their own financial accounts, and Kiyosaki does not disclose or contemplate a method for evaluating skills of financial planning for third party client portfolios.** Those of ordinary skill in the art would appreciate that the only way to truly assess the skills, knowledge, and abilities of a group of individuals is to provide each with equal scenarios to start from. Furthermore, complex disciplines such as financial planning most often require an assessment by experts in the field (e.g., third party judges). Kiyosaki's game which determines a loser by the first person to run out of money, for example, is not an accurate assessment of a financial plan.

Moreover, because Kiyosaki is directed toward educating children and young adults in matters concerning personal finance, Kiyosaki lacks the level of sophistication that would be required from a professional financial planner. As such, Kiyosaki does not disclose or contemplate the following uniquely combined steps as similarly recited in each of independent claims 1, and 10.

- during a first phase of competition, generating, by a financial planning organization, a client profile, wherein the client profile includes at least one of: a client name, marital status, date of birth, a social security number, state of residence, citizenship, health status, number of dependent children, employment, relationship information, background information, financial goal information, and asset information

- providing the client profile to a plurality of teams
- receiving a written financial plan which includes personal information relating to a client, a goal summary, an analysis of client financial planning subject area, and recommendations from each of said plurality of teams, wherein the financial plan achieves a predetermined client goal based upon the client profile
- reviewing, by a third party judge, each financial plan based on awareness of industry standards, use of industry standards, correct mathematical computations, correct law information, correct law tables, and regulatory guidelines followed, and at least one of: personal assets, cash assets, fixed assets, equity assets, retirement assets, liabilities, life insurance policies, income, income taxes, retirement plan contributions, savings contributions, discretionary expenses, and committed expenses
- selecting a subset of the plurality of teams to participate in a second phase of competition based on the award points

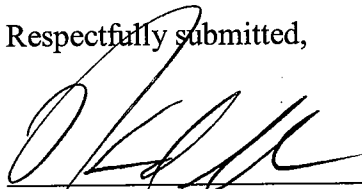
Dependent claims 1-9 and 11-35 variously depend from independent claims 1 and 10. As such, dependent claims 1-9 and 11-35 are allowable for at least the reasons set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicant respectfully submits that all pending claims properly set forth that which Applicant regards as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: _____

3/10/08



Howard I. Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com